

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KENNETH R. VALLIERE,
Plaintiff,

v.

ORDER
08-CV-624A

TEAMSTERS LOCAL NO. 264, and
LOCAL 585 FAMILY SECURITY PLAN,

Defendants.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 29, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion to dismiss be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion to dismiss is denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 20, 2009